

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE**

<b>BUSINESS AIRCRAFT LEASING, INC.,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Civil Action No. 3:19-cv-00219</b>
	)	
<b>BRIAN CARN and BRIAN CARN</b>	)	<b>Judge Aleta A. Trauger</b>
<b>MINISTRIES, INC.,</b>	)	
	)	
<b>Defendants.</b>	)	

**ORDER GRANTING MOTION FOR DEFAULT JUDGMENT**

It appears to the Court that the Motion for Default Judgment (ECF No. 19), filed by Plaintiff, Business Aircraft Leasing, Inc. (“BALI”), on August 15, 2019, is well-taken and should be granted.

On March 12, 2019, BALI filed the Complaint against the Defendants, Brian Carn (“Mr. Carn”) and Brian Carn Ministries, Inc. (collectively, the “Defendants”), for breaching a Promissory Note (the “Note”) (ECF No. 1). The Court issued Summonses to the Defendants on March 13, 2019 (ECF No. 5). BALI served the Defendants with the Complaint and Summonses on June 7, 2019 (ECF No. 16). Pursuant to Fed. R. Civ. P. 12(a)(1)(A)(i), “[a] defendant must serve an answer within 21 days after being served with the summons and complaint.” The Defendants were required to answer or otherwise respond to the Complaint by no later than June 28, 2019. To date, the Defendants have failed to answer or otherwise respond to the Complaint.

On August 2, 2019, BALI filed a Motion for Entry of Default (ECF No. 17). On August 12, 2019, the Clerk of Court entered default against the Defendants, jointly and severally (ECF No. 18). Pursuant to Fed. R. Civ. P. 55(b)(1), “[i]f the plaintiff’s claim is for a sum certain or a sum that can be made certain by computation, the clerk—on the plaintiff’s request, with an

affidavit showing the amount due—must enter judgment for that amount and costs against a defendant who has been defaulted for not appearing and who is neither a minor nor an incompetent person.” Defendants have not appeared in this action. Further, Mr. Carn is neither a minor nor an incompetent person under the law (ECF No. 17, Ex. C).

The total amount owed to BALI pursuant to the Note is \$101,627.30, which includes \$85,000 in principal, \$4,181.32 in accrued and unpaid interest through August 14, 2019 at the rate of 4.5% *per annum* as set forth in the Note, and \$12,445.98 in legal fees and costs BALI has incurred through August 14, 2019 in connection with this action (ECF No. 20). BALI will continue to incur pre-judgment interest until judgment is entered. Further, pursuant to 28 U.S.C. § 1961, BALI is entitled to post-judgment interest at the applicable statutory rate or 4.5% *per annum* as provided for in the Note, whichever is greater. Finally, until the judgment is paid in full, BALI will incur additional legal fees and expenses that it is entitled to recover under the Note.

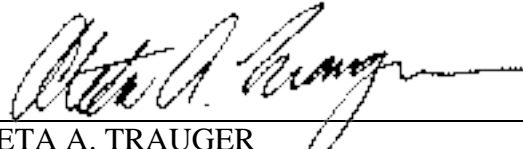
The Court hereby orders that judgment is entered against Defendants, jointly and severally, for \$101,627.30, which includes \$85,000 in principal owed under the Note, \$4,181.32 in accrued and unpaid interest through August 14, 2019 at the rate of 4.5% *per annum*, and \$12,445.98 in legal fees and costs BALI has incurred through August 14, 2019.

This Order is without prejudice to BALI’s right to seek any additional amounts it is entitled to recover in this action, including, but not limited to, additional pre-judgment interest at the rate of 4.5% *per annum* (which amounts to \$10.48 per day) from August 15, 2019 through the date judgment is entered, post-judgment interest from the date judgment is entered until BALI collects it in full at the applicable statutory rate or 4.5% *per annum*, whichever is greater,

any additional legal fees and expenses BALI incurs from August 15, 2019 until it collects the judgment in full, and, if applicable, any costs or expenses BALI incurs on appeal.

IT IS SO ORDERED.

ENTERED this 21<sup>st</sup> day of August, 2019.

  
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Aleta A. TRAUGER  
UNITED STATES DISTRICT JUDGE

APPROVED FOR ENTRY BY:

By: /s/ Jeffrey L. Allen  
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